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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/617,791

07/14/2003

Shinjiro Hara

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4079

7590

10/02/2006

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EXAMINER

KOHNER, MATTHEW J

ART UNIT

PAPER NUMBER

3653

DATE MAILED: 10/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/617,791

Applicant(s)

HARA ET AL.

Examiner

Matthew J. Kohner

Art Unit

3653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3, 4, 6, 8 and 11-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11, 16 and 23-26 is/are allowed.
- 6) ☒ Claim(s) 1, 3, 4, 6, 8, 12 and 27 is/are rejected.
- 7) ☒ Claim(s) 13-15, 17, 18, 21, 22 and 28 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Response to Amendment

In reviewing the prior art, Examiner has reconsidered US Patent No. 5,984,300 to Nishiberi (hereinafter "Nishiberi") and determined the claims, as amended, read on Nishiberi. Therefore, the finality of that previous office action is withdrawn and a prior art rejection is made.

Claim Objections

The claims are objected to under 37 USC 1.75 (i) which requires a claim which sets forth a plurality of elements, to have each element separated by a line indentation.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 4, 6, 8, 12 and 27, are rejected under 35 U.S.C. 102(b) as being anticipated by Nishiberi.

Nishiberi discloses a medium tray (1) attachable to an image recording apparatus (see e.g. Fig. 7) for feeding a record medium (9) one by one and recording an image on said record medium, said medium tray comprising:

- a depository (see Fig. 2 where sheet 9 is placed on tray) in which said record medium is loaded such that front and rear portions of said record medium have different angles with respect to a feeding direction of said record medium when said record medium is in said depository (see Fig. 7, where rear portion a long sheet would hang over #2, if the sheet were loaded on the tray with #2 in the folded manner shown in Fig. 7) of sheet would said depository including:

- a medium support (1) for placing the front portion of the record medium and

- a rear guide (2) extending upwardly from a rear end of the medium support for guiding the rear portion of the record medium upwardly, said medium support protruding outside of the image recording apparatus from a side of the image recording apparatus to be exposed (see Fig. 2); and

- a folding member (2c) provided at a rear portion of said depository such that said record medium in said depository is folded toward said image recording apparatus (the concave of the sheet would be towards the image former; see Fig. 7), said folding member disposed at an upper portion of the rear guide.

In regard to claims 3 and 6, see Fig. 7 #3.

In regard to claim 4, see Fig. 7.

In regard to claims 8 and 12, see Fig. 7 #2 where end portion of #2 is a different angle than main portion of #2.

In regard to claim 27, see Fig. 7.

Allowable Subject Matter

Claims 13-15, 17, 18, 21, 22 and 28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 11, 16 and 23-26 are allowed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Kohner whose telephone number is 571-272-6939. The examiner can normally be reached on Mon-Fri 9-5:30.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey can be reached on 571-272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3653

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Matthew J. Kohner
Examiner
Art Unit 3653

mjk


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